IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 30 OF 2005

Akram Sirajjudin Khan ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mrs. A.P. Madhuri for the petitioner.
Mr. N.P. Deshpande, Assistant Government Pleader, for respondent Nos. 1 and 2.
Mr. Siraj Rustomjee, instructed by M/s. Hariani & Company, for respondent No.3.

CORAM: **DALVEER BHANDARI, C.J.** &
S.A. BOBDE, J.
DATE: JANUARY 25, 2005

P.C.

The petitioner's vehicle No. RJ 01 G 1779 was seized by respondent No.2 on 30th December, 2004, because the vehicle was being plied in Mumbai in contravention of the order dated 3rd March, 2004 passed by a Division Bench of this Court. It is the

case of the petitioner that his vehicle is registered in Rajasthan and he was not aware of the order passed by this Court and this lapse has happened because of inadvertence.

2. We have heard the learned counsel for the parties at length. The learned counsel for the petitioner submits that the aforesaid vehicle shall not be plied in Mumbai again. The learned Assistant Government Pleader appearing for respondent Nos. 1 and 2 suggested that for this lapse, petitioner be directed to pay Rs.10,000/- to the Regional Transport Officer, respondent No.2. The learned counsel for the petitioner, on instructions, has undertaken to pay Rs.10,000/- to respondent No.2. We direct that on payment of the said amount, the aforesaid vehicle be released to the petitioner.

3. In compliance with the order of this Court dated 3rd March, 2004, the Office of Transport Commissioner, State of

Maharashtra, is directed to ensure that sign boards are placed at the entry points to the City stating that no commercial vehicle over the age of eight years is permitted to enter the city of Mumbai. Let this direction be carried out within two weeks from today. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.A. BOBDE, J.